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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

URSZULA BRUMER, an Individual, and
MALGORZATA KASPRZAK-GUZEK, an
Individual,

Plaintiffs,

vs.

LAURIE GRAY, an Individual,

Defendant.

CASE NO.: **3:17-cv-00576**

STIPULATION AND ORDER
REGARDING FRCP 35 MEDICAL
EXAMINATION OF PLAINTIFF
URSZULA BRUMER

IT IS HEREBY STIPULATED AND AGREED by and between LAURIE GRAY (“Defendant”) and the Plaintiff URSZULA BRUMER (the “Plaintiff”), to the terms of the FRCP Rule 35 Examination of Plaintiff to be conducted by James Forage, M.D. (“Doctor”) as follows:

1. The scope of the examination is limited to the injuries Plaintiff alleges were caused by the subject accident and which are within the Doctor’s field of expertise.

2. No persons shall be present during the examination other than Plaintiff, the Doctor and members of the Doctor’s staff.

3. The Doctor will treat Plaintiff with the same respect with which he treats his patients.

1 4. The Doctor will not require the Plaintiff to sign or fill out any document(s) that
2 had not been provided to the Plaintiff's counsel at least three business days prior to the
3 examination.

4 5. The Plaintiff will identify herself at the time of the examination by providing the
5 Doctor with her valid ID.

6 6. During the examination, the Doctor will not conduct any invasive procedures,
7 including, but not limited to incisions, injections, rectal examination, body fluids sampling,
8 DNA sampling, MRI, X-Rays, hair sampling, etc.

9 7. The Doctor will retain all handwritten notes, e-mails sent and received, and all
10 documents generated or received, including draft reports, related to the examination.

11 8. The Doctor will produce a copy of his entire file upon request by the Plaintiff's
12 counsel, including any test materials or raw data.

13 9. The Doctor will not videotape the Plaintiff.

14 10. The Doctor will not discuss with the Plaintiff issues involving liability of the
15 case. However, the Doctor is permitted to ask questions regarding the cause of the Plaintiff's
16 alleged injury in the forms that will be provided to Plaintiff's counsel prior to the Examination.

17 11. The Doctor will accurately report his/her findings and test results.

18 12. The Doctor acknowledges that his/her deposition may be taken in this case, and
19 he will cooperate with the scheduling of same and comply with any subpoena for documents.

20 13. The Doctor acknowledges that his/her testimony may be used to cross-examine
21 him/her in the future.

22 14. The examination will take place on May 10, 2018 at 2:30 p.m. at the Doctor's
23 office located at 861 Coronado Center Drive, Suite #200, Henderson, Nevada 89052.

1 15. Plaintiff shall arrive ten (10) minutes earlier than the scheduled appointment
2 time.

3 16. Prior to the examination, Defense counsel shall provide the Doctor with a copy
4 of this Stipulation and Order. The Doctor will review and agree to the terms of this Stipulation
5 and Order and will place his signature below.

6 17. Defendant recognizes that the Plaintiff will travel from Poland to attend her
7 examination. For this limited purpose and without accepting liability or obligation for any future
8 travel costs or expenses, the Defendant agrees to pay for 50% of the Plaintiff's round-trip airfare
9 from Poland to Las Vegas, and back to Poland.

10 18. The parties agree that during the Plaintiff's stay in Las Vegas for the purpose of
11 conducting the examination, the Defendant will also conduct the Plaintiff's deposition.

12 19. If Plaintiff requires an interpreter for the examination, Plaintiff shall put
13 Defendant on notice of this requirement, and advise Defendant of her preferred language, at
14 least fifteen (15) days prior to the examination.

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20. Defendant and the Plaintiff Brumer have entered into this Stipulation and have requested that the Court issue an Order incorporating its terms.

DATED May 3, 2018.

MESSNER REEVES LLP

/s/ SCOTT ROGERS

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ORDER

IT IS SO ORDERED.

DATED: May 4, 2018

Walter G. Cobb
UNITED STATES MAGISTRATE JUDGE